

ONE SICK CHILD AWAY FROM BEING FIRED: WHEN “OPTING OUT” ISN’T AN OPTION

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SAN FRANCISCO – Depictions of work/family conflict have documented the tribulations of America’s professional workers for decades, but a new study shows that the working class suffers severe punishments when choosing family over work.

The Center for WorkLife Law, a research and advocacy group at the University of California Hastings College of the Law, released a report today of work/family conflict among unionized workers. The report, *One Sick Child Away From Being Fired: When “Opting Out” Isn’t an Option*, features accounts of work/life conflict that were taken to arbitration, the legal negotiation process for unionized employees used in lieu of court.

The arbitrations provide a unique view into just how difficult it can be to be a blue collar worker and have family members to care for.

“Most professionals have at least *some* flexibility,” said Joan C. Williams, a legal scholar and work/family researcher who heads the Center for WorkLife Law. “Among the working class, forget getting an hour off to see the school play – you can get fired for leaving to pick up a sick child at school.”

Researchers at WorkLife Law searched all published cases of union arbitrations as well as gained to unpublished databases. Williams read each of the 99 cases and has produced the most comprehensive analysis of such arbitrations to date.

Examples of acute work/family conflict brought to arbitration include a bus driver who was fired when she arrived three minutes late because her severely asthmatic son suffered an asthma attack; a grandfather who refused to work unscheduled overtime because he had to care for his grandchild and was dismissed; and a packer who was fired when she left work to pick up her child from the emergency room.

The majority of cases (79%) were filed by unions on behalf of working parents, but workers caring for spouses, parents and grandchildren were also punished. Employers won the arbitrations more often than employees (43% vs. 21%); the remaining cases were split decisions.

Williams points out that workers filing arbitrations have an advantage: they have unions fighting on their behalf. Blue collar workers who are not represented by unions no doubt fare worse.

One Sick Child Away From Being Fired follows up on WorkLife Law's 2004 report, *Work/Family Conflict Union Style*, which reviewed 27 cases.

WorkLife Law is supported by grants, university funding and private donations. Its mission is to provide information to help shape the public conversation around changing families and their experiences in the workplace.

The new report is available for download at www.worklifelaw.org. Professor Williams can be reached at 202-365-8013.